

EPA's proposed amendments to the GD GACT rule were signed on December 7, 2009. These amendments were prompted in part by requests for clarification from API. These requests were listed in a letter from API to EPA of May 8, 2009 and discussed in subsequent correspondence. In general, EPA responded positively to the API comments, but there are a couple of negative developments with respect to the definitions of *gasoline* and *gasoline storage tank*, and there is a significant increase in stringency for the monitoring requirements when complying with an existing permit in lieu of conducting a new performance test (see below).

This summary is organized as follows:

- A) Major Issues for Subpart BBBBBB.
- B) Response to Each API Item.
- C) Other Proposed Changes to Subpart BBBBBB.
- D) Proposed Changes to Subpart CCCCCC.

#### **A) Major Issues for Subpart BBBBBB.**

##### Alternative monitoring for control devices.

- EPA has confirmed that manual records of automated shutdowns are acceptable, as requested by API. However, the proposed rule language reads differently from the API comment, stating, "A manual or electronic record of the start and end of a shutdown event may be used." *Companies should comment on any potential difficulties arising from the phrase "the start and end of."*
- EPA has removed the emergency shutdown system from the list of daily checks, but has added the automated shutdown system to the list of checks to be conducted during semi-annual preventive maintenance. These changes were requested by API.

##### Infrequent use and surge control tanks.

- EPA has created a subcategory for tanks smaller than about 40,000 gallons and having 365-day rolling total throughputs not greater than 175,200 gallons. Such tanks are not required to have floating roofs, but rather are required only to "maintain all openings in a closed position at all times when not in use" (and thus any vents must be self-closing). This change was requested by API.
- EPA has defined "surge control tanks" and, as requested by API, such tanks are not required to have floating roofs. Surge control tanks have the same requirement as tanks with infrequent use, to "maintain all openings in a closed position at all times when not in use", and they have the additional requirement that any vents must have a set pressure not less than 0.5 inches of water column (0.3 oz/in<sup>2</sup> or 0.02 psi).

##### Gasoline definition.

- EPA has added the definition for gasoline from NSPS Subpart XX, which reads, "Gasoline means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 27.6 kilopascals or greater which is used as a fuel for internal combustion engines." While this includes "distillate/alcohol blends," denatured ethanol with no more than 5% denaturant would likely not exceed the RVP threshold of 27.6 kPa (4 psi) – but fuel blends such as E10 and E85 would meet the definition of gasoline.

- However, EPA states in the Preamble that they are proposing to subject tanks storing denatured ethanol to controls, even if though the denatured ethanol does not meet the definition of gasoline. The Preamble language reads as follows:

“We are requesting information during the comment period as to the vapor pressure of denatured ethanol over the full normal range of amount of ethanol mixed with the range of gasoline volatilities used for denaturing ethanol. Secondly, given that the storage of denatured ethanol to mix with additional gasoline normally occurs at gasoline bulk terminals, we believe these storage emissions should be addressed and controlled whether the liquid meets or does not meet the current definition of gasoline criteria of at or above 4 psi. Thus, we are proposing that any gasoline mixture with alcohol be considered gasoline and be controlled under the current control requirements in subpart BBBB and CCCCC. We are asking for comment on including any mixture, on whether this level of control is appropriate, and if not, we are requesting data on what level of control of those emissions is appropriate.”

- Also, EPA has backtracked from their position on transmix in their December 19, 2007 Memorandum, which seemed to indicate that applicability could be determined by sampling the transmix and testing the RVP. EPA states in the Preamble to these proposed amendments that they are holding to their position from the GD MACT rule, which is that all transmix tanks are considered to store gasoline for purposes of determining applicability to this rule.

#### Gasoline Storage Tank definition.

- EPA has added the *storage vessel* definition from NSPS Subpart Kb, but without the exemption in Kb for *process tanks*. In addition to the subsequent requirement to have self-closing vents on surge control tanks, this action potentially renders the rule applicable to sumps. Assuming that sumps would fall below the cutoffs for which floating roofs are required, the requirement would be to equip the sump vent pipe with a breather vent.
- EPA has also requested comment on what requirements would be appropriate for temporary tanks brought on site. While this request is specifically in response to a comment on Subpart CCCCC, it would seem to have bearing on Subpart BBBB – particularly in that the exemption for “Vessels permanently attached to mobile vehicles such as trucks, railcars, barges, or ships” in Subpart Kb is not specified in Subpart BBBB. Furthermore, EPA states in the Preamble that they consider this to be an issue that is potentially applicable to a variety of NESHAP regulations.

#### Monitoring requirements when complying with an existing permit.

- EPA has revised the monitoring requirements so as to require a continuous monitoring system (CMS) under §63.11092(a) regardless of the performance test option chosen under §63.11092(a). The original text had specified that §63.11092(b) applied “for each performance test conducted under paragraph (a)(1) of this section,” thereby seemingly excluding those control devices for which the (a)(2) or (a)(3) options were selected. The revised text, however, renders the CMS a universal requirement. The manner in which this requirement is met is somewhat dependent upon the option chosen under §63.11092(a), but under each option there must be some form of CMS. Monitoring for the presence of a pilot flame is expressly specified as an acceptable form of CMS.

**B) Response to Each API Item.**

Item in API letter of May 8, 2009	EPA Response in Proposed Amendments
<p>1) <u>Due date of the initial NOCS report.</u> Paragraph 63.9(h)(2)(ii) of the General Provisions requires NOCS reports to be submitted within 60 days after the completion of “the relevant compliance demonstration activity.” It could be construed, however, that every emission point that is subject to the rule has a relevant compliance demonstration activity. It would reduce the burden of the rule if the documentation of these compliance demonstrations were allowed to be grouped for purposes of NOCS reporting.</p>	<p><u>Synopsis:</u> The initial NOCS report is due Jan.10, 2011. If a performance test is conducted on a control device, an NOCS report for that control device is due within 60 days after completion of the test. The NOCS report for storage tanks that come into compliance after Jan.10, 2011 may be submitted with the next semi-annual periodic report after verifying compliance. ***** <u>Initial NOCS Report.</u> (The API concern may be moot with respect to the initial NOCS report, in that EPA has clarified a Jan. 10, 2011 due date for the initial NOCS, and thus there is no expectation of piecemeal reporting prior to that date.) <u>Preamble:</u> “Contrary to API’s assertions, the General Provisions (GP) (40 CFR Part 63, Subpart A) appear adequate for instructing a facility regarding the schedule of notifications, as presented in §63.9(h), such that repeating this GP language in subpart BBBBBB, appears unnecessary. However, we do agree with API that the compliance dates for some storage tank controls may be different than for other control equipment compliance dates. The provisions of §63.11099(a) allow for the delegation of authority to implement and enforce this subpart to state, local, or tribal agencies, with the exception of the items noted in §63.11099(c). It appears that negotiating an alternative schedule for grouping the submittal of the Notification of Compliance Status with the delegated authority is not prohibited under §63.11099(c); therefore, we propose that a source could negotiate an alternative schedule under this provision. We solicit comment on this approach.”  <u>Subsequent NOCS reports.</u> <u>Preamble:</u> “We agree with API that once the initial NOCS report is required for the facility, and another storage tank comes into compliance due to an extended compliance date past the initial NOCS due date, then they can consolidate the NOCS report with the next semi-annual compliance report under section 63.11095(a).” <u>Proposed Rule Language:</u> <b>§63.11095</b> (a) * * * (4) For storage vessels complying with §63.11087(b) after January 10, 2011, the storage vessel’s Notice of Compliance Status information can be included in the next semi-annual compliance report in lieu of filing a separate Notification of Compliance Status report under §63.11093.</p>
<p>2) <u>Deadline for first up-close inspection of storage tanks.</u>  a) Are the following interpretations correct with respect to the schedule for internal (up close) inspections?.</p>	<p><u>Synopsis:</u> A tank that is already subject to a similar schedule of up-close inspections under another rule would continue to comply with that schedule.  If the tank is not presently subject to a comparable rule, then a facility can wait until the next tank cleaning after Jan.10, 2011 (but not later than Jan.10, 2018) to determine whether the</p>

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<p>i) <u>Already complying with similar requirements</u> – if a tank has already been subject to inspections matching the Subpart Kb or Subpart WW requirements, would the inspections then continue for that tank under the schedule already established (i.e., the clock started at the last required up-close inspection)?</p> <p>ii) <u>Already in compliance, but not previously subject to specified inspections</u> – if the owner/operator determines prior to January 10, 2011 that the floating roof is in compliance with GD GACT, would the clock then start on January 10, 2011?</p> <p>iii) <u>Either not in compliance, or compliance can not be verified without degassing and cleaning the tank</u> – if it would require degassing and cleaning the tank to determine compliance, would the clock start after the next up-close inspection, which would occur the next time the tank is degassed and cleaned after January 10, 2011 but not later than January 10, 2018?</p>	<p>floating roof is in compliance. An up-close inspection would be performed at that time, and the clock would start then for the next up-close inspection. If adopting the WW option, subsequent up-close inspections may be performed without cleaning the tank.                      *****  <u>Preamble:</u> “API is correct that inspection of storage tank seals could occur at different times and require different levels of inspection, depending on the standard selected. API is also correct that, because of differences in the compliance status of existing storage tanks, there are different scenarios for when the initial and subsequent inspections must occur. Given all the possible scenarios, API’s use of terms not matching rule language, and the complexity of seal types and monitoring, we cannot respond specifically to the three general scenarios presented by API, but we believe the rule text is clear, so we are not proposing changes. In discussions with API, another major concern is the recognition that while some of these inspections may have occurred voluntarily prior to the effective or compliance date of the rule, they may not have proper documentation to adequately determine if the proper inspection was performed, so some tanks may need to be inspected again. We agree that if adequate documentation is not available for those voluntary inspections, then those inspections cannot be used to satisfy the requirements for an initial inspection and to set the date for the next scheduled inspection. In those cases, the initial inspection must be conducted according to the requirements of the standard selected by the owner or operator.”</p>
<p>2) <u>Deadline for storage tank compliance.</u></p> <p>b) Are fixed-roof tanks (i.e., tanks that presently do not have a floating roof) allowed up to ten years to comply, as for floating-roof tanks?</p>	<p><u>Synopsis:</u> This question was not included in API’s written requests for clarification, but was asked in a meeting. EPA did not respond to it in the proposed amendments. In that the extended compliance provision of §63.11087(b) is expressly for floating-roof tanks, fixed-roof tanks remain subject to the Jan.10, 2011 compliance deadline.</p>
<p>3) <u>Alternative monitoring for control devices.</u></p> <p>a) When relying on an automated shutdown system for the daily checks required by the alternative monitoring options, it should be allowable to maintain shutdown records manually.</p> <p>b) The reference to “emergency shutdown system” should be removed from paragraph §63.11092(b)(1)(iii)(B)(2)(ii), in that the emergency shutdown system is not involved in the actual vapor destruction function of the thermal oxidizer.</p>	<p><u>Synopsis:</u></p> <p>a) Request granted for manual records to be allowed, but wording could be improved.</p> <p>b) Request granted to remove the requirement for a daily check of the emergency shutdown system, but a requirement was added to check the automatic shutdown system during semi-annual preventive maintenance.                      *****  <u>Preamble:</u> “The intent of the provision in the rule was to ensure that a record of a shutdown of the system is generated. So long as the loading of cargo tanks at a loading rack cannot be performed while the control device is in a shutdown mode, and a record of the event is generated to document that loading has not occurred, it does not matter whether the record is generated automatically or manually.”                      “Based on discussions with API regarding the function of the</p>

Item in API letter of May 8, 2009	EPA Response in Proposed Amendments
	<p>emergency shutdown system versus the automatic shutdown system, we agree that the rule text should be amended. However, we believe that it is necessary that the automatic alarm or shutdown system be monitored. . . In follow-up discussions with API, we discussed this need to check the automatic alarm or shutdown systems. Given these are electronic switches and less subject to failure, they would be best checked during the semi-annual preventative maintenance inspection . . .”</p> <p><u>Proposed Rule Language:</u></p> <p><b>§63.11092 What testing and monitoring requirements must I meet?</b></p> <p>* * * * *</p> <p>(b) * * *</p> <p>(1) * * *</p> <p>(i) * * *</p> <p>(B) * * *</p> <p>(2) * * *</p> <p>(ii) The owner or operator shall verify, during each day of operation of the loading rack, the proper valve sequencing, cycle time, gasoline flow, purge air flow, and operating temperatures. Verification shall be through visual observation or through an automated alarm or shutdown system that monitors system operation. A manual or electronic record of the start and end of a shutdown event may be used.</p> <p>(iii) The owner or operator shall perform semi-annual preventive maintenance inspections of the carbon adsorption system, including the automated alarm or shutdown system for those units so equipped, according to the recommendations of the manufacturer of the system.</p> <p>* * * * *</p> <p>(iii) * * *</p> <p>(B) * * *</p> <p>(2) * * *</p> <p>(ii) The owner or operator shall verify, during each day of operation of the loading rack, the proper operation of the assist-air blower and the vapor line valve. Verification shall be through visual observation or through an automated alarm or shutdown system that monitors system operation. A manual or electronic record of the start and end of a shutdown event may be used.</p> <p>(iii) The owner or operator shall perform semi-annual preventive maintenance inspections of the thermal oxidation system, including the automated alarm or shutdown system for those units so equipped, according to the recommendations of the manufacturer of the system.</p> <p>* * * * *</p>
<p>4) <u>“Own Use” gasoline dispensing facilities.</u> The definition of a “gasoline dispensing facility” in Subpart CCCCCC should be revised to clarify that the rule does not apply to those facilities that dispense</p>	<p><u>Synopsis:</u> Request denied – the rule expressly does apply to dispensing of gasoline for “own use.”</p> <p>* * * * *</p> <p><u>Preamble:</u> “We are proposing to amend the current definition of “gasoline dispensing facility” to clarify our intent to include all</p>



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	<p><u>Surge control tank or vessel</u> means, for the purposes of this subpart, those tanks or vessels used only for controlling pressure in a pipeline system during surges or other variations from normal operations.</p> <p>* * * * *</p> <p><b>Table 1, Item 3</b></p> <p>Equip each surge control tank with a fixed roof that is mounted to the tank in a stationary manner and with a pressure/vacuum vent with a positive cracking pressure of no less than 0.50 inches of water. Maintain all openings in a closed position at all times when not in use.</p>			
<p>6) <u>Clarification of storage tank (vessel) definition.</u></p> <p>In order to resolve inconsistencies in the definitions of referenced rules, the definition of <i>storage vessel</i> from NSPS Subpart Kb should be added to this rule.</p>	<p><u>Synopsis:</u> Request denied to define storage vessels (tanks) as not including process vessels, but separate consideration given to surge control tanks and tanks with infrequent use.</p> <p>* * * * *</p> <p><u>Preamble:</u> “In reviewing and considering API’s suggestions, we agree we should add a definition of gasoline storage tank. However, since gasoline distribution does not include the typical process-type tanks that are described in the 40 CFR part 60, subpart Kb definition, other than the surge control tanks mentioned by API, we do not believe it is necessary to provide an exemption for process tanks in the definition in 40 CFR part 63, subpart BBBB, as was done in subpart Kb. . . We have, however, considered API’s stated concern about the possible impacts of requiring control of tanks that are used solely as pipeline “surge control” tanks. We have included them in the analysis discussed [separately] on surge control tanks.”</p> <p><u>Proposed Rule Language:</u></p> <p><b>§63.11100 What definitions apply to this subpart?</b></p> <p>* * * * *</p> <p><u>Gasoline storage tank or vessel</u> means each tank, vessel, reservoir, or container used for the storage of gasoline, but does not include: (1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of gasoline or gasoline vapors; or (2) subsurface caverns or porous rock reservoirs.</p>			
<p>7) <u>Applicability of a Startup, Shutdown, and Malfunction (SSM) Plan.</u></p> <p>Subpart BBBB expressly cites the SSM plan requirement of the General Provisions as being not applicable to this rule, yet some of the SSM-related citations in Table 3 are shown as being applicable. Table 3 should be edited to show each of the SSM-related provisions as being not applicable.</p>	<p><u>Synopsis:</u> Request granted to edit Table 3 so as to show all SSM-related provisions as being not applicable.</p> <p>* * * * *</p> <p><u>Preamble:</u> “The stakeholders are correct that the rules are inconsistent in the applicability of an SSM plan and the associated recordkeeping and reporting. It was our intent that a SSM plan not be required under these subparts; therefore, SSM-related recordkeeping and reporting were mistakenly required. We are proposing to revise Table 3 to correct this error . . .”</p> <p><u>Proposed Rule Language:</u></p> <p><b>TABLE 3 TO SUBPART BBBB OF PART 63-- APPLICABILITY OF GENERAL PROVISIONS</b></p> <table border="0"> <tr> <td style="text-align: center;"><u>Citation</u></td> <td style="text-align: center;"><u>Subject</u></td> <td style="text-align: center;"><u>Applies to subpart BBBB</u></td> </tr> </table>	<u>Citation</u>	<u>Subject</u>	<u>Applies to subpart BBBB</u>
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	<p>63.8(c)(1)(i)-(iii) [SSM Plans for CMS] No.</p> <p>63.10(b)(2)(i)-(iv) Records Related to SSM No.</p> <p>63.10(d)(5) SSM Reports No.</p>												
<p>8) <u>Other General Provision Issues in Table 3.</u> Miscellaneous citations to the General Provisions are in need of being corrected for consistency with the text and intent of the rule language.</p>	<p><u>Synopsis:</u> Request granted to edit Table 3 for requested clarifications. *****</p> <p><u>Preamble:</u> “For entry 63.7(e)(3), we agree with API that the requirement to conduct three 1-hour test runs is not applicable to testing conducted on the control devices specified in §63.11092(a). . . In regard to the timing of the NOCS reports, we are proposing to revise the text of §63.11095(a)(4) to clarify that once the initial NOCS report is required for a facility, if another storage tank subsequently comes into compliance due to an extended compliance date past the initial NOCS date, then the storage tank’s notice of compliance information can be included with the next semi-annual compliance report under §63.11095(a), in lieu of filing a separate NOCS report.”</p> <p><u>Proposed Rule Language:</u> <b>TABLE 3 TO SUBPART BBBBBB OF PART 63-- APPLICABILITY OF GENERAL PROVISIONS</b></p> <table border="1"> <thead> <tr> <th data-bbox="699 877 812 905"><u>Citation</u></th> <th data-bbox="812 877 1169 905"><u>Subject</u></th> <th data-bbox="1169 877 1453 936"><u>Applies to subpart BBBBBB</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="699 936 812 1003">63.7(e)(1)</td> <td data-bbox="812 936 1169 1003">Conditions for Conducting Performance Tests</td> <td data-bbox="1169 936 1453 1066">No, §63.11092(g) specifies conditions for conducting performance tests.</td> </tr> <tr> <td data-bbox="699 1066 812 1161">63.7(e)(3)</td> <td data-bbox="812 1066 1169 1161">Test Run Duration</td> <td data-bbox="1169 1066 1453 1161">Yes, except for testing conducted under §63.11092(a).</td> </tr> <tr> <td data-bbox="699 1161 812 1287">63.9(h)(1)-(6)</td> <td data-bbox="812 1161 1169 1287">Notification of Compliance Status</td> <td data-bbox="1169 1161 1453 1287">Yes, except as specified in §63.11095(a)(4); also, there are no opacity standards.</td> </tr> </tbody> </table>	<u>Citation</u>	<u>Subject</u>	<u>Applies to subpart BBBBBB</u>	63.7(e)(1)	Conditions for Conducting Performance Tests	No, §63.11092(g) specifies conditions for conducting performance tests.	63.7(e)(3)	Test Run Duration	Yes, except for testing conducted under §63.11092(a).	63.9(h)(1)-(6)	Notification of Compliance Status	Yes, except as specified in §63.11095(a)(4); also, there are no opacity standards.
<u>Citation</u>	<u>Subject</u>	<u>Applies to subpart BBBBBB</u>											
63.7(e)(1)	Conditions for Conducting Performance Tests	No, §63.11092(g) specifies conditions for conducting performance tests.											
63.7(e)(3)	Test Run Duration	Yes, except for testing conducted under §63.11092(a).											
63.9(h)(1)-(6)	Notification of Compliance Status	Yes, except as specified in §63.11095(a)(4); also, there are no opacity standards.											
<p>9) <u>Correction to Rim Seal Requirements Specified Under Subpart WW.</u> In the preamble to the final rule, EPA states that the final rule will require that IFRs have a primary seal but will not require a secondary seal. The final rule effects this stipulation for the NSPS Subpart Kb compliance option for IFRTs, but fails to do so for the Part 63 Subpart WW option.</p>	<p><u>Synopsis:</u> Agreed to grant request to edit Table 1 to clarify that the IFR secondary seal is not required under either the Kb or the WW compliance option. <i>However, the attempt to do so was done incorrectly. Edits shown in Track Changes below are necessary in order to correct this provision.</i> *****</p> <p><u>Preamble:</u> “We agree with API that our intent is to exclude the secondary seal requirements found in 40 CFR part 60, subpart Kb and 40 CFR part 63, subpart WW from the requirements of 40 CFR part 63, subpart BBBBBB and that we incorrectly listed only the requirements of subpart Kb as not being required.”</p> <p><u>Proposed Rule Language:</u> <b>Table 1</b> Do the following: (a) * * * (b) Equip each internal floating roof gasoline storage tank according to the requirements in §60.112b(a)(1) of this chapter, except for the secondary seal requirements under §60.112b(a)(1)(ii)(B), <a href="#">and the requirements in</a></p>												

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	<p>§60.112b(a)(1)(iv) through (ix), <del>and §63.1063(a)(1)(i)(C) and (D)</del> of this chapter; and</p> <p>(c) Equip each external floating roof gasoline storage tank according to the requirements in §60.112b(a)(2) of this chapter, except that the requirements of §60.112b(a)(2)(ii) of this chapter shall only be required if such storage tank does not currently meet the requirements of §60.112b(a)(2)(i) of this chapter; or</p> <p>(d) Equip and operate each internal and external floating roof gasoline storage tank according to the applicable requirements in §63.1063(a)(1) and (b) <u>except for the secondary seal requirements under §63.1063(a)(1)(i)(C) and (D)</u>, and equip each external floating roof gasoline storage tank according to the requirements of §63.1063(a)(2) if such storage tank does not currently meet the requirements of §63.1063(a)(1).</p>
<p>10) <u>Applicability to Storage Tanks that serve Exempt Operations.</u> The rule language should clarify that the following types of operations are exempt from these GD GACT subparts:</p> <p>(a) Airport Facilities. (b) Marine Loading Facilities.</p>	<p><u>Synopsis:</u> Request granted to clarify exemption of airport and marine facilities. <i>However, at marine facilities the exemption applies only to the loading operations, and not to the storage tanks that may be present at the facility. Also, the preferred term would be “marine vessel” rather than “marine tank vessel”.</i> *****</p> <p><u>Preamble:</u> “Neither the loading of aviation gasoline at airports nor the loading of gasoline into marine tank vessels at bulk facilities are part of this source category and are not intended to be covered by 40 CFR part 63, subparts BBBBBB or CCCCCC.”</p> <p><u>Proposed Rule Language:</u> <b>§63.11081 Am I subject to the requirements in this subpart?</b> *****</p> <p>(d) The loading of aviation gasoline into storage tanks at airports, and the subsequent transfer of aviation gasoline within the airport, is not subject to this subpart. (e) The loading of gasoline into marine tank vessels at bulk facilities is not subject to this subpart.</p>
<p>11) <u>Loading Racks at Bulk Gasoline Terminals with Throughput Less Than 250,000 gpd.</u> Subpart BBBBBB should be revised to clarify the non-applicability of the monitoring requirements of §63.11092 to bulk gasoline terminals with a gasoline throughput of less than 250,000 gallons per day.</p>	<p><u>Synopsis:</u> Request granted to clarify that the monitoring requirements of §63.11092 apply only to bulk gasoline terminals with a gasoline throughput of at least 250,000 gallons per day.</p> <p>Also, the basis for determining the 250,000 gallons per day throughput was clarified in Table 2. *****</p> <p><u>Preamble:</u> “API is correct that the bulk terminal loading rack testing and monitoring provisions of §63.11092(a) through (d) apply only to loading racks at facilities with throughputs of 250,000 gallons per day or more that are complying with the 80 milligram per liter emission limit in item 1(b) of Table 2 to 40 CFR part 63, subpart BBBBBB.”</p> <p><u>Proposed Rule Language:</u> <b>§63.11092 What testing and monitoring requirements must I meet?</b></p>

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	<p>(a) Each owner or operator of a bulk gasoline terminal subject to the emission standard in item 1(b) of Table 2 to this subpart must comply with the requirements in paragraphs (a) through (d) of this section. * * * * *</p> <p><b>Table 2</b> 1. A bulk gasoline terminal loading rack(s) with a gasoline throughput (total of all racks) of 250,000 gallons per day, or greater. Gallons per day is calculated by summing the current day's throughput, plus the throughput for the previous 364 days, and then dividing that sum by 365.</p>

**C) Other Proposed Changes to Subpart BBBBBB.**

- 1) Add a provision to §63.11081 clarifying that gasoline storage tanks located at bulk facilities, but used only for dispensing gasoline in a manner consistent with tanks located at a gasoline dispensing facility (GDF) as defined at §63.11132, are not subject to any of the requirements in 40 CFR part 63, subpart BBBBBB. Instead, these tanks must comply with the applicable requirements of 40 CFR part 63, subpart CCCCCC.
- 2) Add a provision to §63.11081 stating that if a bulk facility's monthly throughput ever exceeds an applicable throughput threshold in the definition of "bulk gasoline terminal," or in Table 2, item 1 of this subpart, the affected source will remain subject to those requirements even if the affected source's throughput later falls below the applicable throughput threshold.
- 3) Add to §63.11086 a provision to allow storage tanks to have an additional option for submerged fill pipes that are further from the bottom of the tank than the distances previously specified in §63.11086 if adequate recordkeeping is performed and records are maintained by the owner or operator to demonstrate that the liquid level in the tank never drops below the highest point in the opening of the fill pipe.
- 4) Additionally, EPA is proposing to include the following clarifications:
  - a) correct typographical errors;
  - b) move the provision that indicates that certain storage tanks that are located at bulk plants are only subject to 40 CFR part 63, subpart CCCCCC from §63.11086(b)(2) to §63.111081;
  - c) clarify in §63.11092 the presentation and wording of bulk terminal loading rack testing, monitoring, and recordkeeping provisions;
  - d) clarify in a new paragraph (g) in §63.11081 that the 20,000 gallons per day throughput threshold that distinguishes a bulk gasoline plant from a bulk gasoline terminal is the maximum throughput for any day and not an average;
  - e) clarify paragraph (c) in §63.11083 by removing the word "average" in the discussion of monthly throughput;
  - f) clarify the definition of "bulk gasoline plant;"
  - g) correct the definition of "vapor-tight cargo tank;" and

- h) clarify, by adding rule text at §63.11081(h), that the loading of gasoline into cargo tanks for on-site redistribution to another storage tank is considered to be a bulk plant operation.

**D) Proposed Changes to Subpart CCCCCC.**

- 1) Clarify in §63.11111(g) that the loading of aviation gasoline into storage tanks at airports (including the subsequent transfer of aviation gasoline within the airport) is not subject to this subpart.
- 2) Clarify in a new paragraph (h) in §63.11111 the applicability of 40 CFR part 63, subpart CCCCCC to multiple GDF at different locations within the same area source.
- 3) Add a paragraph (i) to §63.11111 stating that if a GDF's monthly throughput ever exceeds an applicable monthly throughput threshold, the GDF will remain subject to those requirements even if the GDF's monthly throughput later falls below the applicable monthly throughput threshold.
- 4) Add a paragraph (j) to §63.11111 stating that the dispensing of gasoline from fixed gasoline storage tanks at a GDF into portable gasoline storage tanks for the on-site delivery and subsequent dispensing of the gasoline into the fuel tank of a motor vehicle or other gasoline-fueled engine or equipment used at the area source is subject to §63.11116 of this subpart.
- 5) Add a paragraph (e) to §63.11113 specifying the dates by which the performance tests required under §63.11120 must be conducted. Section 63.11120(a) is also being revised to add a reference to this new paragraph.
- 6) Add a paragraph (d) to §63.11116 stating that owners or operators using portable gasoline containers that meet the requirements of 40 CFR part 59, subpart F, (the Mobile Source Air Toxics Rule) will be considered in compliance with paragraph (a)(3) of this section.
- 7) Add to §63.11117 a provision to allow storage tanks to have an additional option for submerged fill pipes that are further from the bottom of the tank than the distances previously specified in §63.11117 if adequate recordkeeping is performed and records are maintained by the owner or operator to demonstrate that the liquid level in the tank never drops below the highest point in the opening of the fill pipe.
- 8) Clarify in §63.11124 the dates by which the NOCS must be submitted.
- 9) Add a new paragraph (c) to §63.11125 clarifying that cargo tank vapor tightness testing records must be kept for a period of 5 years, but adding that cargo tank owners or operators have the option of keeping only the current year's records with the cargo tank and keeping records for the previous 4 years in the owner's office if the records are instantly available.
- 10) Add a definition of "vapor-tight cargo tank," correct the definition of "gasoline cargo tank," and clarify the location of vapor-tight testing records to clarify compliance for cargo tank owners and operators with item (vi) in Table 2 of 40 CFR part 63, subpart CCCCCC.
- 11) Add definitions for "gasoline," "motor vehicle," "nonroad engine," and "nonroad vehicle" to ensure consistency with other rules.
- 12) Amend the current definition of "gasoline dispensing facility" in §63.11132 to clarify the intent to include all public and private stationary facilities that dispense gasoline into the

fuel tanks of on- and off-road engines, vehicles, and equipment rather than just those facilities that dispense gasoline into the fuel tanks of motor vehicles.

- 13) Revise the definition of monthly throughput in §63.11132 to remove the reference to a “rolling 30-day average” and to add a clarification on how monthly throughput is calculated. This revision is being proposed to clarify the intent that the monthly throughput is calculated by summing the volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the current day, plus the total volume of gasoline loaded into, or dispensed from, all gasoline storage tanks at each GDF during the previous 364 days, and then dividing that sum by 12.
- 14) Revise §63.11111(e) and §63.11113(c) to remove the word “average.”
- 15) Amend Table 1 by adding a footnote to clarify the applicability of the provisions in the Table.
- 16) Clarify in Table 1, item 2, the construction date after which storage tanks at existing GDF are “new” and required to have dual-point vapor balance system.
- 17) Clarify in Table 2, item (vi), that vapor tightness testing documentation must be carried “with” the cargo tank, rather than “on” the cargo tank.
- 18) Clarify the applicability of certain General Provisions paragraphs in Table 3.